

which remains after deducting the attorney's fees, litigation costs, and medical expenses related to the injuries paid by the beneficiary prior to the settlement. (Reference W&IC §14124.78)

Q: What statutory reduction does the Department allow for attorney fees and costs?

A: The Department allows a 25% statutory reduction for attorney's fees and a reduction for a pro rata share of the litigation costs when a beneficiary personally incurs a responsibility to pay them. (Reference W&IC §14124.72(d))

Q: What if there are other provider liens involved with the settlement?

A: Medi-Cal first lien rights are allowed by W&IC §14124.74(a). A Medi-Cal provider may file a lien, however it is only collectible after the Medi-Cal program has been fully reimbursed for those services. Please refer to W&IC §14124.791 for further details.



CONTACT INFORMATION

Please refer to the following contacts when seeking further information:

Personal Injury Unit:

Department of Health Services
Recovery Section/Personal Injury Unit
P.O. Box 997425
Sacramento, CA 95899-7425
Phone: (916) 323-4836
Fax: (916) 650-6584

Special Collections Unit

Department of Health Services
Special Collections Unit
P.O. Box 997425
Sacramento, CA 95899-7425
Phone: (916) 650-0580 (A-L)
(916) 650-6473 (M-Z)
Fax: (916) 650-6581

Workers' Compensation:

Litigated Cases and Non-Litigated Cases:

Health Management Systems, Inc
Attention: WCRP Unit
9750 Business Park Drive, Suite 110
Sacramento, CA 95827-1716

Telephone (916) 760-5100
Facsimile (916) 854-1850

CALIFORNIA DEPARTMENT OF HEALTH SERVICES **M E D I - C A L P R O G R A M** Third Party Liability Branch

P E R S O N A L I N J U R Y U N I T

I N F O R M A T I O N P A M P H L E T

This pamphlet offers a concise overview of the objectives and policies of the Personal Injury Unit. For those seeking more detailed information, please contact the Department of Health Services directly (see contact numbers on the reverse side).

PERSONAL INJURY UNIT MISSION

The Third Party Liability Branch, Recovery Section, is responsible for compliance with state and federal laws and regulations governing the Medi-Cal Recovery Program with a primary goal to ensure that Medi-Cal is the payer of last resort in regards to health care services for Medi-Cal beneficiaries. The Personal Injury (PI) Unit identifies and recovers Medi-Cal funds expended on behalf of Medi-Cal beneficiaries involved in personal injury actions.



ACCOMPLISHING THE MISSION

A personal injury case is established when the PI Unit receives a referral and Medi-Cal eligibility is confirmed. At that time, Medi-Cal payment history is ordered for the period of time from the date of injury to the present. The PI Unit staff reviews the beneficiary's payment data, develops an itemization of payments containing injury-related services, and asserts a Medi-Cal lien against any settlement, judgment, or award for the itemized claim amount.

PERSONAL INJURY CASES

The following constitute the different types of personal injury cases:

► Personal Injury Collections

- Auto Accidents/Uninsured Motorist Claims
- Premise/Product Liability
- Medical Malpractice
- Wrongful Death
- Tort Liability Actions

► Workers' Compensation

- Work-related Injuries

► Special Collections

- Risk Management
- Catastrophic Illness and Injury
- Class-Actions (i.e. Vaccine Act)
- Administrative Trust Agreements
- Special Needs Trusts

FREQUENTLY ASKED QUESTIONS

Q: Which laws govern the PI Unit?

A: The rights and responsibilities of the Department of Health Services, Health Care Providers, Medi-Cal Beneficiaries and their representatives are outlined in Welfare and Institutions Code (W&IC) §14124.70 through §14124.791. Special needs trusts are referenced in Probate Code §3600 et seq.

Q: Who notifies the PI Unit of a potential third party claim?

A: The PI Unit receives referrals from:

- Attorneys (W&IC §14124.73, §14124.76, and §14124.79)
- Insurance Companies
- Health Care Providers
- Medi-Cal Managed Care Plans
- Medi-Cal Beneficiaries
- Other State and Local Agencies

Q: What information is needed to refer a case to the PI Unit?

A: The following is a list of information needed to set up a personal injury case:

- Beneficiary Name
- Social Security Number
- Date of Injury/Dates of Services
- Provider Name(s)
- Cause of Injury
- Nature/Type of Injury
- Attorney Name and Address
- Insurance Company Name/Address

Q: What if the settlement amount is not enough to cover the Medi-Cal lien?

A: The Medi-Cal claim for reimbursement will never exceed one-half of the net recovery. The "net recovery" is that